

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

ARTUR WOJTKOWSKI SR.

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Case No. 3:21-MJ-379

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 19, 2021 in the county of Montgomery in the
Southern District of Ohio, the defendant(s) violated:*Code Section**Offense Description*

18 USC s. 922(g)(1) & 924(a)(2)

felon in possession of a firearm in and affecting commerce

This criminal complaint is based on these facts:

See Attached Affidavit of Timothy Wallace

☒ Continued on the attached sheet.*Timothy Wallace*
Complainant's signatureTimothy Wallace, SA of HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/20/21City and state: Dayton, Ohio*Peter B. Silvain, Jr.*
United States Magistrate Judge

AFFIDAVIT

1. I, Timothy J. Wallace, a Special Agent for United States Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), am hereinafter referred to as Affiant. I am an employee of HSI assigned to the Cincinnati Resident Office. I have been a Special Agent with HSI since July 2009. I attended and graduated from the basic agent training course in Brunswick, Georgia and have received extensive training in the investigation of narcotics trafficking and financial crimes from HSI, as well as ongoing in-service training.
2. Since February 2018, Affiant has been assigned to the HSI Border Enforcement Security Task Force (BEST) in Dayton, Ohio. As a Special Agent for HSI, Affiant is charged with the duty of enforcing various federal criminal laws.
3. By virtue of Affiant's employment with HSI, I perform and have performed various tasks which include, but are not limited to:
 - a) Conducting surveillance for the primary purpose of observing the activities and movements of drug traffickers;
 - b) Functioning as a case agent which entails the supervision of specific aspects of drug investigations; and,
 - c) The tracing and tracking of monies and assets gained by drug traffickers from the illegal sale of drugs.
4. This Affidavit is submitted in support of a criminal complaint, and seeks the issuance of an arrest warrant for, ARTUR WOJTKOWSKI SR., for a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (convicted felon in possession of a firearm which has been shipped or transported in interstate or foreign commerce).

SUMMARY OF PROBABLE CAUSE

1. The information contained in this Affidavit is based upon an investigation conducted by your Affiant and other law enforcement officers. All details of the investigation are not included in this Affidavit, rather only information necessary to establish probable cause of the aforementioned violations. Unless otherwise noted, when I assert that a statement was made, I received the information from a law enforcement officer who provided the

information to me, either verbally or in a written report. The officer providing me with the information may have received the information by way of personal knowledge or from another source.

2. On October 19, 2021, investigators from the Miami Valley Bulk Smuggling Task Force learned from other law enforcement officials that WOJTKOWSKI was involved in an incident at approximately 2:00 a.m., in which he (WOJTKOWSKI) possessed and discharged a firearm at a local bar. Investigators sought to recover the firearm that WOJTKOWSKI used in the incident. In an effort to do so, they identified his address – namely, 5266 Taylorsville Road, Huber Heights, Ohio.
3. That same day, investigators established surveillance at the Taylorsville residence and ultimately detained WOJTKOWSKI as he left this location. Around this time, law enforcement sought and obtained a state search warrant for the Taylorsville residence. Investigators executed the warrant and discovered within the home a Taurus semiautomatic handgun and an assault-style rifle.
4. After detaining WOJTKOWSKI, investigators advised him of his Miranda rights. WOJTKOWSKI stated that he understood his rights and was willing to speak with police. WOJTKOWSKI advised that the Taurus handgun inside his residence was the firearm that he had in his possession during the incident that had occurred at the bar earlier in the day.
5. I reviewed databases and learned that, in 2007, WOJTKOWSKI was convicted in the United States District Court for Southern District of Ohio, Case No. 3:16CR136(2)WHR, of conspiracy to possess with intent to distribute five kilograms or more of cocaine. WOJTKOWSKI was sentenced to 60 months imprisonment in that case. Given the length of his sentence, WOJTKOWSKI knew that he had been convicted of a crime punishable by a term of imprisonment exceeding one year.
6. While previously conducting numerous investigations involving Taurus firearms, your Affiant has verified with a Bureau of Alcohol Tobacco and Firearms (ATF) Special Agent, and knows through the course of his investigations, that Taurus firearms are not manufactured in Ohio. Therefore, the Taurus handgun determined to be in WOJTKOWSKI's possession affected interstate commerce as it crossed a state line to reach him in this state.

7. Based on the facts set forth in the Affidavit, Affiant believes that there is probable cause to issue a criminal complaint and arrest warrant against ARTUR WOJTKOWSKI SR. for a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) (convicted felon in possession of a firearm which has been shipped or transported in interstate or foreign commerce).

Timothy Wallace

Timothy J Wallace, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me on October 20, 2021

P.B. Silvain, Jr.
Peter B. Silvain, Jr.
United States Magistrate Judge

